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DEPARTMENT OF STATE
ACTION MEMORANDUM

8100504

S/S

January 14, 1981

To: A - Mr. Tracy

From: M - Ben Read *Ben Read*

FAM Section For A/CDC

Beginning with page 2, and continuing through page 10, of this memorandum are a) a new section of the Foreign Affairs Manual (FAM) relating to the Classification/Declassification Center (A/CDC) and b) certain other FAM changes consequent upon the approval of the new section.

As Chairman of the Oversight Committee for the Department's Information Security Program, I approved these FAM changes on January 13, 1981 after an Oversight Committee meeting at which they were thoroughly discussed and examined. Attending that meeting with me were: Francis Terry McNamara and David Trask, representing the Bureau of Public Affairs; Virginia Schafer, Clayton McManaway and William Price, representing the Bureau of Administration; James Michel, representing the Legal Adviser; and Ambassador Samuel Gammon of my staff.

This approval is the culmination of a process which extends back more than two years. The new FAM section formalizes the reorganization which was decided upon in November 1978 and reflects not only the careful thought and planning that preceded the reorganization but also the experience gained in over two years of operation under FAM circular No. 773, dated November 21, 1978. This action completes the initiative begun at that time to centralize the responsibilities and authorities for these classification/declassification activities in the Department in A/CDC.

Please direct your staff to take the steps necessary to bring the new FAM language into immediate effect.

240 BUREAU OF ADMINISTRATION247 DEPUTY ASSISTANT SECRETARY, CLASSIFICATION/DECLASSIFICATION
CENTER (A/CDC)

- a. The Deputy Assistant Secretary in charge of the Classification/Declassification Center directs the development and execution of plans and policies relating to the Department's classification and declassification systems in order to assure compliance with Executive Order 12065, dated June 29, 1978, and with legislation governing the release of information to the public. Operating in a quasi-autonomous manner, the Deputy Assistant Secretary is responsible for operating the Department's classification and declassification systems and for making initial decisions on declassification, release, and denial issues.
- b. Supervises and coordinates provision of the Department's reporting to the Information Security Committee on Executive Order 12065 and to the Congress on the Freedom of Information Act; represents the Department, with the Office of the Legal Adviser when appropriate, on the Interagency Security Committee; serves as Executive Secretary to the Departmental Oversight Committee; reports to the Department Oversight Committee at the Committee's request or upon own initiative; serves as ex officio, non-voting member of panels set up to review appeals arising under the Freedom of Information Act, the Privacy Act, and Executive Order 12065; receives appeals from the Deputy Assistant Secretary for Public Affairs concerning declassification decisions reached by CDC/SR on material selected for Foreign Relations of the United States; participates with PA and the geographic and functional bureau concerned in the settlement of the appeal at the Deputy or, if necessary, Assistant Secretary level. The final decision on such appeals rests with the Assistant Secretary of the geographic or functional bureau having substantive jurisdiction over the issues involved. In rare instances, where the Assistant Secretary for PA or A believes that the regional and or functional Assistant Secretary with primary substantive jurisdiction has been responsible for an unduly restrictive or unduly liberal pattern of decisions concerning the impact upon the conduct of foreign relations of rulings about material proposed for classification/declassification, he or she may refer such matters to the Under Secretary for Political Affairs.
- c. Develops and supervises the execution of policies pertaining to the mandatory review for declassification and/or release of the Department's records in accordance with the Freedom of Information Act, Executive Order 12065, and, where classified information is involved, the Privacy Act.
- d. Plans and directs the systematic review for declassification of the Department of State's permanently valuable records in order to achieve systematic review at 20 years no later than 1988 in accordance with Executive Order 12065.

e. In coordination with the geographic bureaus concerned, directs or initiates communication with foreign governments, if and when deemed appropriate, concerning material proposed for release after mandatory review or for publication in Foreign Relations, and concerning supplements to the general guidelines for systematic review of the Department's records.

f. In cooperation with the Office of the Historian (PA/HO), the Foreign Affairs Information Management Center (OPR/FAIM), and the bureaus, devises and oversees procedures to select records from each year's files to facilitate both (1) selection of materials for publication in the Foreign Relations volumes; and (2) transfer of the Department's permanent records to the National Archives.

g. At the time each chronological block of the Department's records is ready for transfer to the National Archives and Records Service, or at any other appropriate time, advises the Secretary, after coordination with the appropriate assistant secretaries in charge of geographic and functional bureaus, as to those categories of information the classification of which the Secretary should authorize be extended under Executive Order 12065.

247.1 OFFICE OF MANDATORY REVIEW (A/CDC/MR)

- a. Reviews agency records requested by members of the public under the Freedom of Information Act, Executive Order 12065, and classified documents requested under the Privacy Act, and makes declassification, release and denial decisions on them; except that agency records coming solely within the jurisdiction of the Bureau of Consular Affairs, the Bureau of Personnel, Medical Affairs, or the Office of Security shall be reviewed for release by the entity having jurisdiction.
- b. Initiates any necessary coordination with other areas of the Department, with other government agencies and with foreign governments in order to determine whether documents can be declassified and/or released; responds to coordination requests from other agencies concerning declassification and release of documents.
- c. Performs initial review of National Security Council documents referred by presidential libraries, and forwards recommendations to the NSC for final decision.
- d. Informs requesters of the Department's initial determination whether agency records can be released, by means of letters signed by the Deputy Assistant Secretary, or the Director or Deputy Director(s) or senior reviewers of the Office of Mandatory Review.
- e. Reviews documents whose denial has been appealed under the Freedom of Information Act, the Privacy Act, or Executive Order 12065, and makes a recommendation to the designated appeal authority. The Deputy Assistant Secretary or the Director of the Office of Mandatory Review may determine, based on such re-review, that documents should be declassified and/or released without referring them to the appeal authority.
- f. Takes appropriate action to extend or modify the classification of agency records brought to its attention, as may be required by the controlling Executive Order and agency policy.
- g. In coordination with the Office of the Legal Adviser, prepares necessary documentation for use in litigation brought against the Department or other agencies under the Freedom of Information Act or otherwise, involving release of Department records.

247.2 OFFICE OF SYSTEMATIC REVIEW (A/CDC/SR)

a. Prepares amendments and supplements to the general guidelines (submitted to the National Archives on June 26, 1979) for the systematic review of the Department's permanently valuable records, in coordination with the responsible geographic and functional bureaus and, as appropriate, with other agencies of the Government and with foreign governments. As a basis for preparing these amendments and supplements, conducts declassification review of a representative sample of each chronological block of the Department's records (and conducts other research as necessary) prior to its transfer to the possession and control of the National Archives and Records Service.

b. Reviews material selected and referred by the Historical Office for declassification for the purpose of possible publication in Foreign Relations of the United States. Makes declassification decisions on this material, obtaining the clearance, as appropriate, of geographic and functional bureaus and other agencies of the government. In coordination with the responsible geographic bureaus, determines whether material referred by the Historical Office containing foreign government information should be the subject of communication with the foreign government which provided the information, and undertakes such communication if and when deemed appropriate.

247.3 POLICY DEVELOPMENT AND COORDINATION STAFF (A/CDC/PDC)

- a. Assists in the development of plans and policies relating to the Department's classification and declassification systems; prepares regulations and instructions for publication in the Federal Register, FAM, etc., as required; develops, maintains and carries out an education program on Executive Order 12065.
- b. Prepares periodic and non-recurring management reports for the classification/declassification program as required by regulatory or legislative mandate; does research and prepares position papers on issues being forwarded to the Oversight Committee.
- c. Processes appeals from denials of information under the Executive Order, Freedom of Information and Privacy Acts, in conjunction with the Bureau of Public Affairs, and serves as the focus in the Center for the appeal process.
- d. Provides guidance to and responds to inquiries from other agencies, Foreign Service posts and domestic offices of the Department; acts as liaison with other agencies in review and coordination of policy and precedent issues; and coordinates with other agencies on specific mandatory or systematic review cases, as required.
- e. Maintains the Department's list of authorized classifiers. **

(** New FAM material)

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UNDER SECRETARY FOR MANAGEMENT (150)

(g) Serves as the "senior agency official" to chair a Departmental Oversight Committee "with authority to act on all suggestions and complaints" with respect to the agency's overall administration of Executive Order 12065, as specified in Section 5-404(b) of the Executive Order. The Committee will consist of representatives of A, L, and PA. The Committee may request periodic reports from the Deputy Assistant Secretary in charge of the Classification/Declassification Center and from the chairman of the appeals panel. The Committee, which will meet quarterly or less regularly as business dictates, will monitor the overall effectiveness and efficiency of the procedures set forth herein for the granting and denial of information requested in accordance with statutory and executive order authorities, and consider related management problems and, when problems of process or procedure arise, take appropriate remedial actions to fulfill the intent of such authorities.

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LEGAL ADVISER (180)

(f) Serves as a member of the Departmental Oversight Committee for the Department's information security program, which monitors the Department's overall administration of Executive Order 12065.

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BUREAU OF ADMINISTRATION (240)

(g) Serves as a member of the Departmental Oversight Committee for the Department's information security program, which monitors the Department's overall administration of Executive Order 12065.

BUREAU OF PUBLIC AFFAIRS (350)

...; serves as a member of the Departmental Oversight Committee for the Department's information security program, which monitors the Department's overall administration of Executive Order 12065; chairs appeals panels (usually consisting of the Chairman and two other persons selected from a list of senior representatives of other Bureaus) to review appeals arising under the Freedom of Information Act, the Privacy Act, and Executive Order 12065; reviews appeals from the Office of the Historian concerning declassification decisions reached by A/CDC on material selected for Foreign Relations of the United States and participates with CDC and the geographic or functional Bureau concerned in the settlement of the appeal at the Deputy or, if necessary, Assistant Secretary level.

...

357 Office of the Historian (PA/HO)

a. Prepares the official record of U.S. diplomacy. To obtain clearance of material to be published in Foreign Relations of the United States, the Office of the Historian refers the material it has selected for inclusion to the Department of State Classification/Declassification Center (A/CDC).

...

d. Cooperates with the Classification/Declassification Center (A/CDC) to devise procedures governing the selection of records from each year's files to ensure that a representative sample of the classified information is provided to A/CDC in order to form a fully adequate basis for preparing supplements to the general guidelines for systematic review of the Department's records.

...

2 FAM 13531353 Clearance

To obtain clearance of material to be published in Foreign Relations of the United States, the Office of the Historian refers the material it has selected for inclusion to the Department of State Classification/Declassification Center A/CDC.

Clearance:

A/CDC - CEMcManaway

Drafted by: A/CDC/SR/LP/cker/mj
1/13/81